

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

LAURA S. ,

Plaintiff,

v.

Civil Action No. 2:22-cv-00272

KILOLO KIJAKAZI, Acting
Commissioner of Social Security,

Defendant.

ORDER

Pending before the court is the Proposed Findings and Recommendation ("PF&R") of the United States Magistrate Judge Dwane L. Tinsley, entered on August 31, 2023. ECF 16.

The Magistrate Judge recommends denying the plaintiff's request to reverse the Commissioner's decision (ECF 9), granting the Commissioner's request to affirm her decision (ECF 12), affirming the final decision of the Commissioner, and dismissing this action from the court's docket. ECF 16 at 2.

In reviewing a PF&R, the court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b) (1). Upon the filing of an objection to a PF&R, the court "shall make a de novo determination of those portions of the report or specified

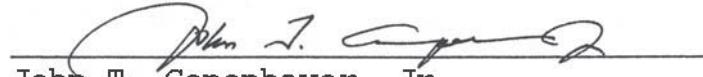
proposed findings or recommendations to which objection is made." Id. Failure to object to a PF&R constitutes waiver of de novo review, in which case the court reviews the PF&R for clear error. See Fed. R. Civ. P. 73 Advisory Committee notes.

There being no objections to the PF&R, it is ORDERED that the PF&R be, and hereby is, adopted by the court and incorporated herein. It is, therefore, ORDERED as follows:

1. The plaintiff's request to reverse the decision of the Commissioner be, and hereby is, DENIED.
2. The defendant's request to affirm the decision of the Commissioner be, and hereby is, GRANTED.
3. The final decision of the Commissioner be, and hereby is, AFFIRMED.
4. This action be, and hereby is, DISMISSED and stricken from the court's docket.

The Clerk is directed to transmit copies of this order to all counsel of record and any unrepresented parties.

ENTER: September 20, 2023


John T. Copenhaver, Jr.
Senior United States District Judge